

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the matter of the Application of) )  
Mr. Chuck Hill, on behalf of ) DOCKET NO.95/SM1-0023  
the Estate of James Campbell ) Whalers Village  
) JWA  
)  
)  
To obtain a Special Management Area) )  
Use Permit for the Whalers Village )  
Additions and site improvements )  
On Approximately 8.513 acres of )  
Land At Maui Tax Map Key 4-4-08:01 )  
Lahaina, Maui, Hawaii )

MAUI PLANNING DEPARTMENT'S REPORT  
TO THE MAUI PLANNING COMMISSION  
APRIL 9, 1996 MEETING

DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
250 S. HIGH STREET  
WAILUKU, MAUI, HI. 96793

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95/SM1-0023

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**THE APPLICATION**

This matter arises from an application for a Special Management Area Permit filed on December 5, 1995 and certified as complete and ready for processing by the Department of Public Works and Waste Management (DPW&WM) on December 6, 1995. The application was filed pursuant to Section 12-202-12 and 12-202-15 of the Special Management Area (SMA) Rules of the County of Maui; by Mr. Chuck Hill, on behalf of The Estate of James Campbell ("Applicant"); on 8.513 acres of land in the Lahaina District, situate at Ka'anapali Resort, Island of Maui, identified as Maui Tax Map Key No. 4-4-8:01. ("Property").

**PURPOSE OF THE APPLICATION**

The Applicant is requesting a Special Management Area Use Permit to construct building additions and expansions along with site improvements at the existing Whalers Village Shopping Center.

**APPLICABLE REGULATIONS**

Standards for reviewing a Special Management Area (SMA) application are found under HRS 205A-26 and § 12-202-10, and § 12-202-11 of Chapter 202, Special Management Area (SMA) Rules of the Maui Planning Commission.

In evaluating an action the following factors, but not limited to same, may constitute a significant adverse effect on the environment:

- (A) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;
- (B) Significantly curtails the range of beneficial uses of the environment;
- (C) Conflicts with the County's or the State's long-term environmental policies or goals;
- (D) Substantially affects the economic or social welfare and activities of the community, County or State;
- (E) Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways;
- (F) In itself has no significant adverse effect but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
- (G) Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;
- (H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;
- (I) Detrimentally affects air or water quality or ambient noise levels;
- (J) Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters;
- (K) Substantially alters natural land forms and existing public views to and along the shoreline; or
- (L) Is contrary to the objectives and policies of HRS chapter 205A.

The following guidelines shall be used by the Authority in reviewing developments within the special management area:

a. All development in the special management area shall be subject to reasonable terms and conditions set forth by the authority to ensure:

(1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;

(2) Adequate and properly located public recreation areas and wildlife preserves are reserved;

(3) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and

(4) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

b. No development shall be approved unless the Authority has first found that:

(1) The development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;

(2) The development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and

(3) The development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing when a general plan or zoning amendment may also be required.

c. The Authority shall seek to minimize, where reasonable:

(1) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;

(2) Any development which would reduce the size of any beach or other area usable for public recreation;

(3) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;

(4) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and

(5) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

#### **PROCEDURAL MATTERS**

1. On February 22, 1996, 45 days prior to the hearing, the Maui Planning Department mailed a notice to the applicant and appropriate state and county agencies notifying them of the scheduled public hearing.

2. On March 7, 1996 the applicant published a "Notice of Application" with a location map in the Maui News. A copy of the "Notice of Application" is on file in the Maui Planning Department.

3. On March 8, 1996 the applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 feet of the subject property describing the application and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt. Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts are on file in the Planning Department.

4. On March 8, 1996, a notice of hearing on the application was published in the Honolulu Advertiser and the Maui News by the Maui Planning Department.

## GENERAL DESCRIPTION

### Description of the Property

1. The Property which is approximately 8.513 acres is located within the Ka'anapali Resort just north of the Westin Maui Hotel at Maui Tax Map Key 4-4-008:01, Lahaina, Maui, Hawaii. (See attached Map, Exhibit 1)

2. Land Use Designations --

- a. State Land Use District -- Urban
- b. West Maui Community Plan -- Business
- c. County Zoning -- B-R, Resort Commercial
- d. Other -- The entire project area lies within the Special Management Area(SMA).

3. Surrounding Uses --

North -- The Whaler Condominium Complex;

East -- Ka'anapali Parkway and Golf Course beyond;

South -- Public Beach Right of Way and the Westin Maui Hotel;

West -- Pacific Ocean.

4. The project site is currently developed with the Whalers Village Shopping Center. The center has a total net leasable floor area of 106,522 square feet. The majority of the proposed expansion will be located in the southeastern corner of the property.

## Existing Services

1. Water -- The project site is currently serviced by the private Ka'anapali System. Water for the system is drawn from the Honokowai aquifer system.

2. Sewers -- The project site is located in an area serviced by the Lahaina wastewater collection system which transmits sewage to the Lahaina Wastewater Treatment Plant. An existing 21-inch county sewer line is located within Ka'anapali Parkway right-of-way. As of the week of March 4, 1996, the Lahaina Wastewater Reclamation Facility had a capacity of 6.700 million gallons per day(MGD). Cumulative Wastewater flow allocated is estimated at 5.761 MGD.

3. Drainage -- The project site is developed with its own onsite runoff collection system. The Whalers Village onsite system is tied into the off-site drainage system for the Ka'anapali Resort. Run-off collected by the Ka'anapali Resort system is disposed of within the golf course lagoon.

4. Roadways, Curbs, Gutters, Parking, and Sidewalks -- Access to the project site is via Ka'anapali Parkway. Ka'anapali Parkway is a two way roadway with 28-foot wide lanes and a landscaped center median which connects to Honoapiilani Highway. The parkway is improved with curbs, gutters and sidewalks. The applicant has in the past done on site parking improvements and restriping. Total parking stalls available on site is 563 stalls. Of these stalls, 479 are required parking. There are 84 excess parking stalls on the project site.

5. Electrical and Telephone -- The project site is currently serviced by existing underground electrical and telephone service.

6. Parks -- The project site is located adjacent to and just north of a public beach right-of-way.

7. Solid Waste -- The nearest landfill site is located at the Maui Central Land Fill in Pu'unene. A transfer station is located at Olowalu.

8. Public Services - Police, fire and medical emergency services are available at the Lahaina Civic Center immediately south of the Ka'anapali Resort.

## DESCRIPTION OF THE PROJECT

The applicant proposes to construct approximately 6,250 sq.ft. of additional commercial space along with related improvements for Whalers Village Shopping Center. The proposed expansion will be as follows:

Building K and L (Future Building Q) -- Approximately 3,850 sq.ft. of commercial space to be constructed on two levels. The main level will have 1,400 sq.ft., with the courtyard level having 2,450 sq.ft. of new commercial space.

Building D and G -- A new walkway will be constructed on the main level of the complex. Below the new walkway on the courtyard level, existing store fronts will be pushed out to add approximately 1,800 sq.ft. of new commercial space.

Building N -- The southern store front of building N will be pushed out to add approximately 600 sq.ft. of new commercial space.

Related improvements -- Related expansion improvements throughout the Whalers Village Shopping Center include the installation of new landscaping, planters, stairs, drainage lines, curbing, and restriping of the parking area. (See Exhibits 2-6)

## REVIEWING AGENCIES

Department of Fire Control -- Memo received February 5, 1996. (Exhibit 7)

Department of Public Works and Waste Management -- Memo dated February 8, 1996. (Exhibit 8)

Board of Water Supply -- Letter dated February 21, 1996. (Exhibit 9)

Department of Transportation -- Letter dated January 22, 1996. (Exhibit 10)

Department of Land and Natural Resources -- No comments received.

Department of Land and Natural Resources, Historic Preservation Division -- Letter dated February 22, 1996. (Exhibit 11)

Department of Health -- Letter dated February 29, 1996. (Exhibit 12)



Department of Accounting and General Services --  
Memorandum dated March 7, 1996. (Exhibit 13)

Department of Agriculture, Natural Resources  
Conservation Service -- Letter dated January 31,  
1996. (Exhibit 14)

Department of the Army -- Letter dated February 7,  
1996. (Exhibit 15)

Urban Design Review Board -- Letter dated March 21,  
1996. (Exhibit 16)

## ANALYSIS

### LAND USE

1. According to the West Maui Community Plan the project site is designated business. (West Maui Community Plan, Exhibit 17)

2. The West Maui Community Plan states as a goal under *Economic Activity -- A diversified economy that provides a range of stable employment opportunities for residents, allows for desired commercial services for the community, and supports the existing visitor and agricultural industries, all in a manner that will enhance both the community's quality of life and the environment.*

Applicable objectives and policies of the West Maui Community Plan are listed as follows:

1. *Promote a diversified economic base which offers long term employment to West Maui residents, and maintains overall stability in economic activities in the area of:*
  - b. *Visitor-related service/commercial services.*
  - c. *Recreation-related service/commercial services.*
  - d. *Resident-related service/commercial services.*

The project is consistent with the West Maui Community Plan in that the proposed project will enhance and expand the existing commercial center of Whalers Village. The project will provide short term employment during construction and long term employment through the expansion of commercial space and shops. The project is located within a major destination area. Expansion of commercial space will support visitor related services.

3. The project site is zoned B-R Resort Commercial by Ordinance No. 599. Whalers Village Shopping Center is an existing shopping center providing independent commercial activities and services oriented towards the needs of the transient visitor.

4. The proposed commercial center expansion is consistent with both the County Zoning and the West Maui Community Plan.

### **AGRICULTURE**

1. The project site is located within an existing urban area. The site is currently not under agricultural activity nor has it been in the recent past. The proposed expansion is not expected to adversely impact existing agricultural activity in the area.

### **ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES**

1. The Department of Land and Natural Resources, State Historic Preservation Division (SHPD), states that the project plans which indicate construction will occur within previously disturbed areas. Further, proposed grading and excavation will occur within areas previously excavated. Based on this, the proposed project is expected to have "no effect" on historic sites. However, DLNR, SHPD does note that no archaeological survey was conducted prior to the construction of Whalers Village. There are records of known historic sites within the project area. Therefore, there is a possibility that previously disturbed cultural materials, or intact remnants of cultural deposited may be encountered during construction. DLNR, SHPD requests that the following conditions be attached to the SMA permit and to the construction plan:

Should evidence of historic sites such as stone alignments, concentrations of marine shell, charcoal, artifacts (historic or precontact), human skeletal remains, or pit features be encountered during construction activities, the following procedure shall be followed:

1. All work in the vicinity of the find shall cease immediately, and the area shall be left as is and protected from potential disturbances.
2. The contractor or project engineer shall contact the State Historic Preservation Division (SHPD) at 243-5169 and give notice of the find.

3. SHPD staff shall visit the site, assess the significance of the find. If the find is determined to be significant, SHPD shall provide recommendations for mitigation of adverse effects to the site. Such measures could include data recovery fieldwork or preservation in place.
4. The project developer or designated contractor shall successfully execute the recommended mitigation measures. A qualified archaeologist shall be hired by the project developer or designated contractor to conduct any recommended fieldwork, to complete an acceptable report of data recovery findings, or to prepare an acceptable preservation plan, if applicable.

#### INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. Water -- The Board of Water Supply estimates that the proposed expansion will generate an additional demand of 1,000 to 6,500 gallons per day(gpd). This rate could vary widely depending on the actual tenant use.

The project site will continue to be serviced by the private Ka'anapali System. BWS notes that the Honokowai aquifer system, from which the Ka'anapali System draws from, is currently under study by the USGS and CWRM. The study is in response to concerns that proposed projects, combined with the loss of agricultural recharge, could cause withdrawals to exceed sustainable yield within the next few decades. It should be noted that the results of this study are not yet available.

BWS also encourages the applicant to conserve water by eliminating single-pass cooling, use of low-flow fixtures, use climate-adapted plants, maintain fixtures, and prevent over-watering by automated systems. A list of various water conservation methods have been forwarded to the applicant.

2. Sewers -- The applicant states that the project will not have a significant impact on the existing sanitary sewer system. The project will continue to be serviced by the existing system servicing Whalers Village. The Department of Public Works and Waste Management states that they cannot guarantee wastewater system capacity will be available for the project. Also, the applicant is required to fund any necessary off-site improvements to the collection system and wastewater pump stations. As of the week of March 4, 1996, the Lahaina Wastewater Reclamation Facility had a remaining capacity of 1.009 MGD.

The Department of Health has reviewed the applicant's request and has no comments to offer at this time.

3. Drainage -- Proposed onsite drainage improvements include the installation of new 12-inch drain lines, new cleanout, area drains, and a drainage sump pump. The proposed drainage improvements will replace the existing system on the eastern side of the courtyard and will function in a similar manner as the existing system. Runoff from the project site is directed into a grated inlet located at the southeastern corner of the property. The grated inlet and connecting 21-inch drain line are part of the Ka'anapali Resort's drainage system. This drainage system eventually discharges runoff into the golf course lagoon.

The applicant's drainage report estimates the drainage area affected by the proposed expansion to be 0.38 acres. Estimated existing runoff for a 10-year storm is 1.15 cubic feet per second(cfs). Runoff from the project area after development is estimated at 1.19 cfs or an increase of 0.04 cfs.

Both the Department of Health and the Department of Public Works and Waste Management have reviewed the applicant's request. Both departments have no comments with regards to the applicant's drainage plan.

4. Roadways, Curbs, Gutters, Parking, and Sidewalks -- Access to the project site will continue to be from Ka'anapali Parkway. No new improvements to off-site roadway facilities are proposed. The proposed project will increase the amount of required onsite parking to 513 stalls. The proposed addition will cause the loss of some existing parking. However, as part of the proposed project, new curbs and restriping of the parking lot will occur. After all improvements are done, total parking on site will be 552 stalls. Of these stalls, 132 will be compact and 420 will be standard. The project site will have a total of 39 excess parking stalls.

The Department of Transportation states that the proposed project is not anticipated to have a significant impact on State transportation facilities.

5. Electrical and Telephone -- The proposed additions will be serviced by existing utilities servicing the project site.

6. Parks -- The proposed project is not expected to increase demand for county park facilities. The location of the improvements are adjacent to a public beach parking and right of way. Conditions should be attached to insure public beach parking is not used by construction employees, materials, or equipment. Nor should access to the beach or beach parking be restricted.

7. Solid Waste -- Solid waste from the project will be by a private collector. The Department of Public Works and Waste Management states that a Solid Waste Management Plan shall be submitted to DPW&WM for review and approval.

8. Public Services -- The project site is located within an existing urban area currently serviced by fire, police, and emergency medical facilities. The Department of Fire Control has no comments on the project at this time. The proposed project is not expected to adversely impact existing fire, police, and medical facilities.

#### **SOCIO-ECONOMIC IMPACTS**

The proposed project will create temporary construction jobs and increase the inventory of commercial space available in West Maui and the Ka'anapali Resort area.

#### **ENVIRONMENTAL IMPACTS**

The proposed project is not expected to adversely impact wetlands, flora, fauna, dune ecosystems, stream ecosystems, marine ecosystems, natural features, open space, view corridors, etc.

#### **OTHER GOVERNMENTAL APPROVALS**

At its regular meeting on March 5, 1996, the Urban Design Review Board voted to approve the project subject to the following conditions:

1. That final color scheme shall be reviewed and approved by the Maui Planning Department.
2. That said plans shall be in accordance with plans presented at the March 5, 1996 Urban Design Review Board and dated December 4, 1995.
3. That full compliance with the standard comments of the Maui Urban Design Review Board shall be rendered.

## TESTIMONY

As of March 21, 1996, the Planning Department has received no letters in support or or in opposition to the proposed project.

## CONCLUSION

Based on its analysis, the Planning Department concludes that:

(A) The proposed project will have "no adverse impact" and will not involve an irrevocable commitment to loss or destruction of any natural or cultural resources.

(B) The proposed project does not significantly curtail the range of beneficial uses of the environment.

(C) The proposed project does not conflict with the County's or the State's long-term environmental policies or goals.

(D) The proposed project will not adversely affect the economic welfare, social welfare and activities of the community, County or State.

(E) The proposed project does not involve substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways.

(F) In itself the proposed project has no significant adverse effect nor has it a cumulative effect upon the environment or involves a commitment for larger actions.

(G) The proposed project does not substantially affect a rare, threatened, or endangered species of animal or plant, or its habitat.

(H) The proposed project is not contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;


(I) During construction, the proposed project is expected to have short-term impacts on the air quality and ambient noise levels. These impact will be temporary and localized. These impacts are not considered permanent and will be mitigated through appropriate construction practices.

(J) Provided that appropriate drainage and erosion control measures are implemented, the proposed project will not impact flood plains, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters.

(K) The proposed project does not substantially alter natural land forms or impact existing public views to and along the shoreline.

(L) The proposed project is not contrary to the objectives and policies of HRS chapter 205A.

APPROVED:

  
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DAVID W. BLANE  
Planning Director